



PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number

10/679,158

Filing Date

October 3, 2003

First Named Inventor

Thomas Russell

Art Unit

3733

Examiner Name

Davis, Daniel J.

Attorney Docket Number

50642/287729

ENCLOSURES (check all that apply)☐ Fee Transmittal Form☐ Fee Attached☐ Amendment / Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☒ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Reply to Missing Parts/
Incomplete Application☐ Reply to Missing Parts
under 37 CFR 1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a
Provisional Application☐ Power of Attorney, Revocation
Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) _____☐ Landscape Table on CD☐ After Allowance Communication to TC☐ Appeal Communication to Board
of Appeals and Interferences☐ Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s)
(please identify below):

Form PTO/SB/08/a (1 sheet)

7 Publications

Remarks**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm

Kilpatrick Stockton, LLP

Signature

Printed Name

Michael A. Bertelson

Date

March 28, 2006

Reg.
No.

54,713

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Signature

Typed or printed name

Suzanne Briceno

Date

March 28, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: RUSSELL, et al.

SERIAL NO.: 10/679,158

Group Art Unit: 3733

FILED: October 3, 2003

Examiner: DAVIS, Daniel J.

FOR: SURGICAL POSITIONERS

Attorney Docket No.: 50642/287729

Date: March 28, 2006

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

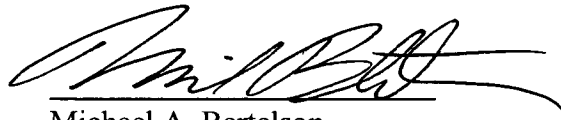
Sir:

In accordance with Rules 56, 97 and 98 of the Rules of Practice in Patent Cases (37 C.F.R. §§ 1.56, 1.97, and 1.98), the publications listed on the enclosed Form PTO/SB/08a are cited for consideration by the Examiner. Copies of the cited non-U.S. publications and other materials are enclosed.

Submission of the references provided in this Supplemental Information Disclosure is not intended to constitute an admission that any reference referred to herein is prior art for this invention unless specially designated as such. Also, in accordance with 37 C.F.R. § 1.97(g), the filing of this Supplemental Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. § 1.56(a) exists.

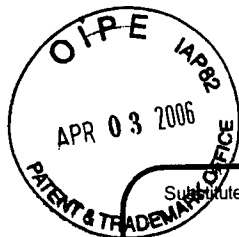
This Supplemental Information Disclosure Statement is being filed pursuant to 37 C.F.R. 1.97(b), before the mailing date of an office action on the merits. Applicants believe that no fee is due for consideration of this paper. However, if a fee is due, the Commissioner is authorized to charge any fee due to Deposit Account No. 11-0855.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Michael Bertelson", with a horizontal line drawn underneath it.

Michael A. Bertelson
Registration No. 54,713

KILPATRICK STOCKTON LLP
Suite 2800, 1100 Peachtree Street
Atlanta, Georgia 30309-4530
Phone (404) 815-6500



PTO/SB/08a (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 1

Complete if Known

Application Number	10/679,158
Filing Date	October 3, 2003
First Named Inventor	Thomas Russell
Art Unit	3733
Examiner Name	Davis, Daniel J.
Attorney Docket Number	50642/287729

U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
/B.R./		US-100,602	03-08-1870	Coes	
/B.R./		US-4,583,554	04-22-1986	Mittelman et al.	
/B.R./		US-4,991,579	02-12-1991	Allen	
/B.R./		US-5,016,639	05-21-1991	Allen	
/B.R./		US-5,037,426	08-06-1991	Goble et al.	
/B.R./		US-5,094,241	03-10-1992	Allen	
/B.R./		US-5,097,839	03-24-1992	Allen	
/B.R./		US-5,119,817	06-09-1992	Allen	
/B.R./		US-5,211,164	05-18-1993	Allen	
/B.R./		US-5,397,329	03-14-1995	Allen	
/B.R./		US-6,167,145	12-26-2000	Foley, et al.	
/B.R./		US-6,620,168	10-16-2003	Lombardo et al.	
/B.R./		US-6,675,040	01-06-2004	Eric R. Cosman	
/B.R./		US-2001/0034530 A1	10-25-2001	Malackowski, et al.	
/B.R./		US-2002/0115934 A1	08-22-2002	Tuke	
/B.R./		US-2004/0030237 A1	02-12-2004	Lee, et al.	
/B.R./		US-2004/0030245 A1	02-12-2004	Noble, et al.	
/B.R./		US-2004/0054489 A1	03-18-2004	Moctezuma De La Barrera	
/B.R./		US-2004/0167391 A1	08-26-2004	Solar et al.	
/B.R./		US-2005/0228404 A1	10-13-2005	Dirk Vandevelde	
/B.R./		US-2005/0234332 A1	10-20-2005	Stephen B. Murphy	
/B.R./		US-2005/0245808 A1	11-03-2005	Christopher P. Carson	
/B.R./		US-2005/0279368 A1	12-22-2005	Daniel L. McCombs	

FOREIGN PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁵
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
/B.R./		DE 296 00 990	01-20-1996	Elekta Instrument		
/B.R./		WO 03/039377	05-15-2003	DepuyFrance		
/B.R./		WO 2005/096982	10-20-2005	Daniel McCombs		
/B.R./		WO 2005/104977	11-10-2005	Smith & Nephew, Inc.		
/B.R./		WO 2005/104978	11-10-2005	Smith & Nephew, Inc.		
/B.R./		EP 1 442 715	08-04-2004	Surgical Navigation		

NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
/B.R./		NATIONAL INSTITUTE OF ARTHRITIS AND MUSCULOSKELETAL AND SKIN DISEASES (NIAMS), "Questions & Answers about...Knee Problems", 36 pp. (May 2001)	

Examiner
Signature

/Baisakhi Roy/

Date
Considered

08/02/2009

¹ EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.